

REMARKS

Claims 1-38 are pending in this application. By this Amendment, claims 25-38 have been newly added and claims 1-24 have been amended. No new matter has been added.

Applicants thank the Examiner for the courtesies extended during the recent September 5, 2007 personal interview. Applicants' record of the interview is incorporated in the remarks below.

The Office Action does not indicate whether the drawings filed March 23, 2005 have been accepted. Applicants assume that the drawings have been accepted and respectively request the Examiner to confirm acceptance of the drawings.

Claims 4-14 and 19-22 were objected to under 37 C.F.R. §1.75(c) as being in improper form because multiply dependent claims depend from multiply dependent claims. However, these claims were amended to eliminate multiple dependencies by a Preliminary Amendment, filed March 23, 2005. Accordingly, withdrawal of this objection is respectfully requested.

Claims 1, 6-8 and 20-22 were rejected under 35 U.S.C. §112, second paragraph. As agreed upon during the personal interview, the amendments to claims 1-24 overcome this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 1, 2, 4-12, 14-19 and 21-23 were rejected under 35 U.S.C. §102(b) as being anticipated by WO 99/60335 (hereinafter "Ball"). This rejection is respectfully traversed.

Claim 1 calls for "an alignment device that permits variable alignment of an emission direction of the radiation beam relative to an orientation of the recorder." As agreed upon during the September 5, 2007 personal interview, Ball fails to disclose this feature.

Ball discloses a geodetic device with a camera for recording a measuring range, which can be displayed on a screen. The geodetic device is housed in a casing that is pivotable in a vertical and horizontal direction. (See pg. 9, lines 33-36 to pg. 10, lines 1-2 and pg. 10, lines

15-17). The geodetic device includes transmitter optics and receiver optics. The transmitter and receiver optics are fixed relative to each other. (See Fig. 2 and pg. 8, lines 25-26). Thus, when the geodetic device of Ball is pivoted, all components of the device move together, or in other words, do not move relative to each other. More specifically, referring to Fig. 1 of Ball, the emission direction of the laser beam 14 in Ball does not change relative to the camera 32.

Because Ball requires that all components of the geodetic device be fixed and not move relative to each other when the device is moved, Ball does not disclose "an alignment device that permits variable alignment of an emission direction of the radiation beam relative to an orientation of the recorder" as called for by claim 1.

Therefore, claim 1 is patentable. Because claims 2, 4-12, and 14 depend from claim 1, they are also patentable for at least the same reasons. Further, claims 15 and 23 include the electronic display and control device of claim 1, and therefore, are also patentable. Because claims 16-19, 21, and 22 depend from claim 15, they are also patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3, 8, 10, 13, 20 and 24 were rejected under 35 U.S.C. §103(a) based on Ball and the following U.S. Patent Application Publication Nos.: 2002/0148549 (Bleckmann), 2003/0099470 (Tseng), 2003/0016247 (Lai et al.), 2003/0047683 (Kaushal) and 2003/0122078 (Fritzel). These rejections are respectfully traversed.

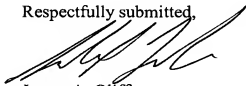
None of these references, either alone or in combination, teach or suggest variable alignment of an emission direction of a radiation beam relative to an orientation of a recorder. Accordingly, withdrawal of these rejections is respectfully requested.

Because each of the new claims 25-38 depends from one of claims 1-24, they are also patentable for at least the same reasons discussed above.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Srikant Viswanadham
Registration No. 60,111

JAO:SQV/ccs

Attachments:

Petition for Extension of Time
Amendment Transmittal

Date: September 27, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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